

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 293

Introduced by Speaker Scheer, 19; at the request of the Governor.

Read first time January 15, 2019

Committee: Appropriations

1 A BILL FOR AN ACT relating to appropriations; to amend Laws 2018, LB944,
2 sections 27, 43, 53, 66, and 109; and section 48-1,116, Revised
3 Statutes Cumulative Supplement, 2018; to define terms; to provide,
4 change, and eliminate appropriations for operation of state
5 government; to repeal the original sections; and to declare an
6 emergency.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. DEFINITION OF APPROPRIATION PERIOD.

2 For purposes of this act and any other legislative bill passed by
3 the One Hundred Sixth Legislature, First or Second Session, which
4 appropriates funds, FY2018-19 means the period July 1, 2018, through June
5 30, 2019; FY2019-20 means the period July 1, 2019, through June 30, 2020;
6 FY2020-21 means the period July 1, 2020, through June 30, 2021; FY2021-22
7 means the period July 1, 2021, through June 30, 2022; and FY2022-23 means
8 the period July 1, 2022, through June 30, 2023.

9 Sec. 2. APPROPRIATION LANGUAGE.

10 There are hereby appropriated, for FY2017-18 and FY2018-19, the sums
11 set forth in this act to each agency for each program from the respective
12 funds for the general operations of state government, postsecondary
13 education, capital construction, and state aid, except as otherwise
14 appropriated.

15 Sec. 3. UNEXPENDED BALANCES AND CERTIFIED ENCUMBRANCES.

16 All General Fund appropriations existing on June 30, 2017, in excess
17 of expended and certified encumbrance amounts are hereby lapsed unless
18 otherwise provided. All Cash Fund and Revolving Fund appropriations
19 existing on June 30, 2017, in excess of expended and certified
20 encumbrance amounts are hereby lapsed unless otherwise expressly
21 provided. All certified encumbrance amounts on June 30, 2017, and June
22 30, 2018, are hereby reappropriated for FY2017-18 and FY2018-19,
23 respectively, which amounts shall be in addition to the amounts shown in
24 this act.

25 Sec. 4. REAPPROPRIATION OF BALANCES, FY2017-18 to FY2018-19.

26 In addition to the appropriations set forth in this act, there are
27 hereby reappropriated all unexpended appropriation balances existing on
28 June 30, 2018, for FY2018-19 to the respective agencies, programs, and
29 funds listed in this act, except as otherwise provided in this act.

30 Sec. 5. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

31 The definitions contained in the Nebraska Accounting System Manual,

1 and any amendments thereto, on file with the Clerk of the Legislature are
2 hereby adopted by the Legislature as the definitions for this act, except
3 as provided in section 17 of this act.

4 Sec. 6. DRAWING AND PAYING WARRANTS.

5 The Director of Administrative Services shall draw warrants upon the
6 proper fund in the state treasury for an amount not to exceed the
7 appropriations set forth in this act upon presentation of proper
8 documentation. The State Treasurer shall pay the warrants out of the
9 appropriate funds.

10 Sec. 7. AGENCY NO. 39 – NEBRASKA BRAND COMMITTEE

11 Program No. 75 - Nebraska Brand Committee

	<u>FY2017-18</u>	<u>FY2018-19</u>
12		
13	<u>SALARY LIMIT</u>	<u>-0-</u>
		<u>75,000</u>

14 Sec. 8. AGENCY NO. 82 – COMMISSION FOR THE DEAF AND HARD OF HEARING

15 Program No. 578 - Hearing Impaired

	<u>FY2017-18</u>	<u>FY2018-19</u>
16		
17	<u>CASH FUND</u>	<u>-0-</u>
		<u>15,000</u>
18	<u>PROGRAM TOTAL</u>	<u>-0-</u>
		<u>15,000</u>
19	<u>SALARY LIMIT</u>	<u>-0-</u>
		<u>-0-</u>

20 Sec. 9. AGENCY NO. 92 – GRAIN SORGHUM DEVELOPMENT, UTILIZATION, AND
21 MARKETING BOARD

22 Program No. 406 - Grain Sorghum Development

	<u>FY2017-18</u>	<u>FY2018-19</u>
23		
24	<u>SALARY LIMIT</u>	<u>-0-</u>
		<u>43,422</u>

25 Sec. 10. AGENCY NO. 28 – DEPARTMENT OF VETERANS' AFFAIRS

26 Program No. 37 - Veterans' Cemeteries

	<u>FY2017-18</u>	<u>FY2018-19</u>
27		
28	<u>CASH FUND</u>	<u>-0-</u>
		<u>102,000</u>
29	<u>PROGRAM TOTAL</u>	<u>-0-</u>
		<u>102,000</u>
30	<u>SALARY LIMIT</u>	<u>-0-</u>
		<u>-0-</u>

1 Sec. 11. Laws 2018, LB944, section 27, is amended to read:
2 Sec. 27. AGENCY NO. 5 – SUPREME COURT
3 Program No. 437 - Juvenile Justice

	FY2017-18	FY2018-19
4		
5 GENERAL FUND	69,756,640	70,010,679
6 CASH FUND est.	25,000	25,000
7 PROGRAM TOTAL	69,781,640	70,035,679
8 SALARY LIMIT	13,284,846	13,384,811

9 The unexpended General Fund appropriation balance existing on June
10 30, ~~2018~~ 2017, less ~~\$10,000,000~~ \$31,344, is hereby reappropriated.

11 Cash Fund expenditures for this program shall not be limited to the
12 amounts shown.

13 Sec. 12. Laws 2018, LB944, section 43, is amended to read:

14 Sec. 43. AGENCY NO. 13 – STATE DEPARTMENT OF EDUCATION
15 Program No. 158 - Education Aid

	FY2017-18	FY2018-19
16		
17 <u>GENERAL FUND</u>	<u>1,225,680,458</u>	<u>1,226,205,079</u>
18 GENERAL FUND	1,225,680,458	1,228,106,373
19 CASH FUND	3,790,938	3,790,938
20 FEDERAL FUND est.	312,630,674	312,630,674
21 <u>PROGRAM TOTAL</u>	<u>1,542,102,070</u>	<u>1,542,626,691</u>
22 PROGRAM TOTAL	1,542,102,070	1,544,527,985

23 There is included in the appropriation to this program for FY2017-18
24 \$1,225,680,458 General Funds, \$3,790,938 Cash Funds, and \$312,630,674
25 Federal Funds estimate for state aid, which shall only be used for such
26 purpose. There is included in the appropriation to this program for
27 FY2018-19 \$1,226,205,079 ~~\$1,228,106,373~~ General Funds, \$3,790,938 Cash
28 Funds, and \$312,630,674 Federal Funds estimate for state aid, which shall
29 only be used for such purpose.

30 There is included in the amount shown for FY2017-18 \$973,666,434
31 General Funds which are hereby appropriated to the Tax Equity and

1 Educational Opportunities Fund, which fund is hereby appropriated to
2 provide state aid to public school districts pursuant to the Tax Equity
3 and Educational Opportunities Support Act. There is included in the
4 amount shown for FY2018-19 ~~\$972,606,681~~ ~~\$974,507,975~~ General Funds which
5 are hereby appropriated to the Tax Equity and Educational Opportunities
6 Fund, which fund is hereby appropriated to provide state aid to public
7 school districts pursuant to the Tax Equity and Educational Opportunities
8 Support Act.

9 There is included in the amount shown for this program \$224,283,748
10 General Funds provided as state aid for FY2017-18 for special education
11 reimbursement. There is included in the amount shown for this program
12 \$226,526,585 General Funds provided as state aid for FY2018-19 for
13 special education reimbursement.

14 There is included in the amount shown for this program \$456,190
15 General Funds provided as state aid for FY2017-18 and \$446,880 General
16 Funds provided as state aid for FY2018-19 to carry out the provisions of
17 subsection (2) of section 79-734.

18 There is included in the amount shown for this program \$9,970,377
19 General Funds provided as state aid for FY2017-18 and \$9,766,900 General
20 Funds provided as state aid for FY2018-19 for core services for
21 educational service units.

22 There is included in the amount shown for this program \$3,111,206
23 General Funds provided as state aid for FY2017-18 and \$3,047,712 General
24 Funds provided as state aid for FY2018-19 for technology infrastructure
25 for educational service units.

26 There is included in the amount shown for this program \$276,021
27 General Funds provided as state aid for FY2017-18 and \$270,388 General
28 Funds provided as state aid for FY2018-19 for distance education aid to
29 educational service units.

30 There is included in the amount shown for this program \$611,168
31 General Funds provided as state aid for FY2017-18 and \$617,898 General

1 Funds provided as state aid for FY2018-19 for the school breakfast
2 program.

3 There is included in the amount shown for this program \$384,191
4 General Funds provided as state aid for FY2017-18 and \$376,351 General
5 Funds provided as state aid for FY2018-19 for the school lunch program.

6 There is included in the amount shown for this program \$128,200
7 General Funds provided as state aid for FY2017-18 and \$126,400 General
8 Funds provided as state aid for FY2018-19 for the Summer Food Service
9 Program.

10 There is included in the amount shown for this program \$210,371
11 General Funds provided as state aid for FY2017-18 and \$206,077 General
12 Funds provided as state aid for FY2018-19 for adult basic education
13 programs.

14 There is included in the amount shown for this program \$735,000
15 General Funds provided as state aid for FY2017-18 and \$720,000 General
16 Funds provided as state aid for FY2018-19 for aid to institutions
17 offering high school equivalency programs.

18 There is included in the amount shown for this program \$3,546,970
19 General Funds provided as state aid for FY2017-18 and \$3,474,583 General
20 Funds provided as state aid for FY2018-19 for early childhood education
21 projects.

22 There is included in the amount shown for this program \$4,900,000
23 General Funds provided as state aid for FY2017-18 and \$4,800,000 General
24 Funds provided as state aid for FY2018-19 for the Early Childhood
25 Education Grant Program for at-risk children from birth to age three. It
26 is the intent of the Legislature that a maximum of five percent of
27 General Funds appropriated each fiscal year for the Early Childhood
28 Education Grant Program for at-risk children from birth to age three may
29 be used for evaluation and technical assistance.

30 There is included in the amount shown for this program \$98,000
31 General Funds provided as state aid for FY2017-18 and \$96,000 General

1 Funds provided as state aid for FY2018-19 for scholarships for early
2 childhood education providers.

3 There is included in the amount shown for this program \$67,620
4 General Funds provided as state aid for FY2017-18 and \$66,240 General
5 Funds provided as state aid for FY2018-19 for incentive bonuses for
6 providers of child care and early childhood education programs.

7 There is included in the amount shown for this program \$392,000
8 General Funds provided as state aid for FY2017-18 and \$384,000 General
9 Funds provided as state aid for FY2018-19 for the Nurturing Healthy
10 Behaviors program.

11 There is included in the amount shown for this program \$500,000
12 General Funds provided as state aid for FY2017-18 and \$470,000 General
13 Funds provided as state aid for FY2018-19 for learning community aid.

14 There is included in the amount shown for this program \$2,342,962
15 General Funds provided as state aid for FY2017-18 and \$2,202,384 General
16 Funds provided as state aid for FY2018-19 for programs for learners with
17 high ability.

18 Sec. 13. Laws 2018, LB944, section 53, is amended to read:

19 Sec. 53. AGENCY NO. 16 – DEPARTMENT OF REVENUE

20 Program No. 108 - Homestead Exemption

	FY2017-18	FY2018-19
21		
22	<u>81,300,000</u>	<u>85,400,000</u>
23	81,300,000	84,100,000
24	<u>81,300,000</u>	<u>85,400,000</u>
25	81,300,000	84,100,000

26 There is included in the appropriation to this program for FY2017-18
27 \$81,300,000 General Funds for state aid, which shall only be used for
28 such purpose. There is included in the appropriation to this program for
29 FY2018-19 ~~\$85,400,000~~ ~~\$84,100,000~~ General Funds for state aid, which
30 shall only be used for such purpose.

31 Sec. 14. Laws 2018, LB944, section 66, is amended to read:

1 Sec. 66. AGENCY NO. 25 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

2 Program No. 250 - Juvenile Services Operations

	FY2017-18	FY2018-19
4 GENERAL FUND	21,789,549	22,592,949
5 CASH FUND	1,106,866	1,124,985
6 FEDERAL FUND est.	770,917	831,688
7 PROGRAM TOTAL	23,667,332	24,549,622
8 SALARY LIMIT	13,661,053	13,805,090

9 The unexpended General Fund appropriation balance existing on June
10 30, 2018, less \$3,000,000, is hereby reappropriated.

11 The Department of Administrative Services shall monitor the
12 appropriations and expenditures for this program according to the
13 following program classifications:

14 No. 315 - Office of Juvenile Services

15 No. 345 - Juvenile Community-Based Services

16 No. 371 - Youth Rehabilitation and Treatment Center-Geneva

17 No. 374 - Youth Rehabilitation and Treatment Center-Kearney

18 There is included in the appropriation to this program for FY2017-18
19 \$1,000,000 Cash Funds for mental health services to juvenile offenders
20 under section 43-407 from the Nebraska Health Care Cash Fund. There is
21 included in the appropriation to this program for FY2018-19 \$1,000,000
22 Cash Funds for mental health services to juvenile offenders under section
23 43-407 from the Nebraska Health Care Cash Fund.

24 Sec. 15. Laws 2018, LB944, section 109, is amended to read:

25 Sec. 109. AGENCY NO. 65 – DEPARTMENT OF ADMINISTRATIVE SERVICES

26 Program No. 101 - Chief Information Officer

	FY2017-18	FY2018-19
28 GENERAL FUND	339,086	342,507
29 <u>CASH FUND</u>	<u>-0-</u>	<u>25,000</u>
30 <u>PROGRAM TOTAL</u>	<u>339,086</u>	<u>367,507</u>
31 PROGRAM TOTAL	339,086	342,507

1 SALARY LIMIT 224,051 226,036

2 Sec. 16. Section 48-1,116, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 48-1,116 The Compensation Court Cash Fund is hereby created. The
5 fund shall be used to aid in providing for the expense of administering
6 the Nebraska Workers' Compensation Act and the payment of the salaries
7 and expenses of the personnel of the Nebraska Workers' Compensation
8 Court.

9 ~~The State Treasurer shall transfer one million five hundred thousand~~
10 ~~dollars from the Compensation Court Cash Fund to the General Fund after~~
11 ~~June 15, 2019, and before June 30, 2019, on such dates as directed by the~~
12 ~~budget administrator of the budget division of the Department of~~
13 ~~Administrative Services.~~

14 All fees received pursuant to sections 48-120, 48-120.02, 48-138,
15 48-139, 48-145.04, and 48-165 shall be remitted to the State Treasurer
16 for credit to the Compensation Court Cash Fund. The fund shall also
17 consist of amounts credited to the fund pursuant to sections 48-1,113,
18 48-1,114, and 77-912. The State Treasurer may receive and credit to the
19 fund any money which may at any time be contributed to the state or the
20 fund by the federal government or any agency thereof to which the state
21 may be or become entitled under any act of Congress or otherwise by
22 reason of any payment made from the fund.

23 Any money in the fund available for investment shall be invested by
24 the state investment officer pursuant to the Nebraska Capital Expansion
25 Act and the Nebraska State Funds Investment Act.

26 Sec. 17. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

27 (1) For purposes of this act, (a) SALARY LIMIT shall mean total
28 expenditures for permanent and temporary salaries and per diems and (b)
29 total expenditures for permanent and temporary salaries and per diems
30 shall mean all remuneration paid to employees treated as taxable
31 compensation by the Internal Revenue Service or subject to social

1 security coverage, specifically including payments accounted for as
2 vacation, holidays, sick leave, military leave, funeral leave, maternity
3 leave, administrative leave, compensatory time, deferred compensation, or
4 any other similar form, and amounts withheld pursuant to law, but
5 excluding state contributions for social security, retirement, and
6 employee insurance plans.

7 (2) Total expenditures for permanent and temporary salaries and per
8 diems shall be limited to the amount shown except when federal funds in
9 excess of the amount shown are available and approved by the Governor.
10 Expenditures for permanent and temporary salaries and per diems from such
11 grants shall be in addition to the limitation on permanent and temporary
12 salaries and per diems otherwise shown in this act. No agency shall
13 request any state funds for continuation or replacement of any such
14 personnel or activities in future budget requests. To the extent
15 feasible, requests for increases in the limitation on permanent and
16 temporary salaries and per diems shall be addressed to the Appropriations
17 Committee of the Legislature when the Legislature is in session.

18 (3) Expenditures for permanent and temporary salaries resulting from
19 awards made to employees under sections 81-1346 to 81-1354 shall be in
20 addition to the limitations on permanent and temporary salaries and per
21 diems otherwise shown in this act.

22 (4) The limitation on expenditures for permanent and temporary
23 salaries and per diems for FY2018-19 as enumerated in this act shall be
24 the basis for continuation funding for each fiscal year of the succeeding
25 biennium.

26 (5) The limitation on expenditures for permanent and temporary
27 salaries and per diems for FY2017-18 shall be increased by certified
28 encumbrance amounts from FY2016-17 for permanent and temporary salaries
29 and per diems. The limitation on expenditures for permanent and temporary
30 salaries and per diems for FY2018-19 shall be increased by certified
31 encumbrance amounts from FY2017-18 for permanent and temporary salaries

1 and per diems. Encumbered amounts shall be calculated in accordance with
2 section 81-138.01.

3 (6) The limitation on expenditures for permanent and temporary
4 salaries and per diems shall only apply to remuneration paid to state
5 employees or per diem payments made to members of state boards or
6 commissions.

7 (7) The budget administrator of the budget division of the
8 Department of Administrative Services may administratively increase the
9 limitation on expenditures for permanent and temporary salaries and per
10 diems upon receipt of a request for such increase from the director of a
11 state agency certifying the actual amount of the payment to a former
12 employee of such agency, or his or her beneficiary upon the death of the
13 employee, of accumulated vacation and sick leave pursuant to section
14 81-1325 and the rules and regulations of the State Personnel System
15 governing such payments.

16 Sec. 18. Original Laws 2018, LB944, sections 27, 43, 53, 66, and
17 109; and section 48-1,116, Revised Statutes Cumulative Supplement, 2018,
18 are repealed.

19 Sec. 19. Since an emergency exists, this act takes effect when
20 passed and approved according to law.